

Japan FTA Task Force
Department of Foreign Affairs and Trade
John McEwen Crescent
Barton ACT 0221

Sir/Madam

Re: Australia–Japan free trade agreement (FTA)

The Australian Film Commission (AFC) welcomes the invitation to make a submission in relation to the negotiation of an Australia–Japan free trade agreement.

The AFC is a statutory authority that aims to enrich Australia’s cultural identity by fostering an internationally competitive audiovisual industry, developing and preserving a national collection of sound and moving images, and making Australia’s audiovisual heritage available to all Australians. The AFC has a longstanding interest in the outcome of trade negotiations, as they affect trade in audiovisual services and the development of the creative industries in Australia.

The AFC reiterates its view in its earlier submission¹ that the follow statement relating to audiovisual and cultural services, set out in the *Joint study into the costs and benefits of trade and investment liberalisation between Australia and Japan*, should constitute Australia’s position in negotiations with Japan in respect of an FTA

Australia reserves the right to adopt or maintain any measure with respect to the creative arts, cultural heritage and other cultural industries, including broadcasting, film and other audiovisual services, entertainment services and libraries, archives, museums and other cultural services (Broadcasting Services Act 1992, Radiocommunications Act 1992). Specific measures currently in place include local content quotas for television, subsidies and favourable tax treatment for Australian films, and film co-production arrangements with selected countries. Australia has made no specific commitments, and has MFN exemptions, for audiovisual services in GATS.²

Furthermore, Australia should seek a broad exception for cultural industries from the operation of any FTA with Japan. Ideally it should be based on the exception in the Singapore-Australia FTA, incorporating a positive list approach.

¹ AFC Submission of the Australia-Japan Feasibility Study into an Australia-Japan FTA dated 11 October 2005.

² *Joint study into the costs and benefits of trade and investment liberalisation between Australia and Japan*, 20 April 2005, page 69.

The AFC remains strongly opposed to any proposal that the Australia-United States Free Trade Agreement be used as a model for the development of a Free Trade Agreement with Japan.

Should any further clarification or comment be required, please contact Kim Ireland, AFC Director of Policy, Research and Information.

Chris Fitchett
Acting Chief Executive

31 January 2007